Calendar No. 534

98TH CONGRESS, 1st Session | SENATE | REPORT No. 98-299

ESTABLISHING A NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

NOVEMBER 4 (legislative day, OCTOBER 31), 1983.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1090]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1090) to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, strike paragraph (2) in its entirety and insert in lieu thereof the following:

> (2) "outdoor recreation resources" shall mean the land and water areas and associated facilities located in either urban or non-urban areas of the United States and its territories and possessions which provide, or which may have the capacity to provide, opportunities for outdoor recreation, irrespective of ownership or location;

2. On page 4, line 18, after the word "private", insert the word, "outdoor".

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3. On page 4, line 20, after the word "President" insert the following, "pro tempore".

4. On page 5, line 1, after the word "private", insert the word, "outdoor".

5. On page 6, line 15, strike "it, provided that" and insert, "it: *Provided,* That".

6. On page 6, line 20, strike the word "made" and insert "make".

7. On page 7, line 14, delete the word "citizen".

8. On page 9, strike lines 21 through 25 in their entirety and insert in lieu thereof: "desirable by the year 2000 and beyond.".

9. On page 10, strike line 1 in its entirety and insert,

(b) The Commission shall—

10. On page 12, line 3 strike "recommendations." and insert, "recommendations concerning appropriate policies and actions to insure the availability of quality recreation resources and facilities for this and future generations.".

Purpose

The purpose of S. 1090, as reported, is to establish a new National Outdoor Recreation Resources Review Commission consisting of Members of Congress and private citizens to study and recommend appropriate policies and activities for all levels of government and the private sector, to assure the continued availability of quality outdoor recreation experiences through the year 2000.

Background and Need

An Outdoor Recreation Resources Review Commission (ORRRC) was established by Public Law 85-470 in 1958 and submitted its report and recommendations in January 1962. A number of public concerns in the 1950's including increasing visitation to Federal and State parks not equipped to handle the increased use; a growing interest in the conservation of scenic areas in the face of development, the loss of wildlife habitate and hunting and fishing opportunities led to the origin of the Commission.

The 3-year study found that outdoor recreation was a major leisure time activity that had national, public benefits, but there were gaps in the supply of outdoor recreational opportunities.

The Commission's three major findings were: (1) more outdoor recreation opportunities were needed near metropolitan areas; (2) although much land was available for outdoor recreation, it did not meet the need effectively; and (3) more funding was needed at all levels of government.

The recommendations of ORRRC were implemented through actions by the Congress and several administrations. Among them:

establishment of the Bureau of Outdoor Recreation to provide policy leadership;

enactment of the Land and Water Conservation Fund Act (LWCF) of 1964, through which offshore oil revenues came to be used, along with some other receipts, to acquire and develop more than 5.6 million acres of local, State, and Federal parkland at a cost of $5 billion, matched by $2.6 billion from State and local governments;

legislation establishing national systems of wilderness, rivers, and trails, in turn resulting in designation of 79.8 million acres of wilderness, 3,700 miles of wild, scenic, and recreational rivers outside of Alaska, and 7,000 miles of national trails;

the transfer of more than 100,000 acres of Federal surplus land to States and localities for park and recreation purposes; and

the establishment of Federal, State, and local recreation areas in or near heavily populated urban centers.

THE CURRENT SITUATION

In the 25 years since ORRRC was established, America has seen population growth and movement on a massive scale, sweeping changes in the social characteristics of that population, and significant changes in the national economy. There has also been the great contribution stemming from the enactment of ORRRC recommendations and efforts of the private sector in providing increased recreation opportunities.

The guidance provided by ORRRC was based upon estimates of recreation supply and demand for the years 1976 and 2000. The 1976 estimates, while not on target, were quite useful. The difference between projection and reality for the year 2000 may be so great that the projections if not soon adjusted, may serve little purpose in planning or policy formulation.

In the recreation area alone, new technologies have generated high demand for recreational activities that the Commission either did not consider, or anticipated as minimal. Hang gliding and white-water boating are examples of the unforeseen, as are snowmobilies and wheeled off-road vehicles.

The breadth and magnitude of these changes has led to the suggestion that a national recreation commission similar to ORRRC should be established. This option has been raised since at least early 1980, when the idea was discussed by the Congressional Research Service and pertinent Senate and House committee staff members. The first public recommendation for the creation of a new ORRRC was made by the National Conference on Renewable Natural Resources in December 1980. The Conference was organized by the American Forestry Association and over 20 other conservation, environmental, and resource user organizations.

Private groups including the American Recreation Coalition and the National Recreation and Park Association and several environmental organizations during 1981–1982 continued to develop and refine a proposal for a privately funded recreation reassessment. This proposal was brought to the attention of Mr. Laurance S. Rockefeller, chairman of the 1958–1962 Commission.

Mr. Rockefeller embraced the suggestion and commissioned a seven-member private group to review the question of whether a new national recreation commission was needed. The group, known as the Outdoor Recreation Policy Review Group, consisted of Mr. Rockefeller as an ex officio member and Mr. Henry Diamond, Esq. as chairman, as well as Dr. Emery N. Castle, Mr. Sheldon Coleman, Mr. William Penn Mott, Jr., Mr. Patrick F. Noonan, and Mr.

William K. Reilly. The group met during the period from August 1982 to January 1983 receiving several commissioned papers and a number of briefings from individuals knowledgeable about recreation and leisure in America. The group's report "Outdoor Recreation for America—1983" was released in February 1983.

The principal recommendation of the Policy Review Group was that "a new Outdoor Recreation Resources Review Commission be created by act of Congress."

THE ROCKEFELLER REPORT FINDINGS

The recommendation of the Policy Review Group for a new Commission was based upon the following findings:

1. The two decades since ORRRC has been a period of great social and economic changes.
2. Changes in how and where we live, work, and play have had a profound effect on outdoor recreation.
3. Despite the changes over the past 20 years, or perhaps because of them, outdoor recreation is more important in American life than it was in 1962.
4. Governments in gerneral are doing less for outdoor recreation than is required to meet the need.
5. The role of the Federal Government need so to be reassessed, redefined, and revived.
6. The private sector is providing more outdoor recreation than it did 20 years ago; it could do even more with Government cooperation.
7. There are days in which outdoor recreation could be provided to meet increased demands which would not require huge public expense.
8. There is a need for improved information as the basis for outdoor recreation planning and management.

The recommendations of the Policy Review Group were distributed to the public in February 1983. A coalition of recreation, conservation and governmental groups acting on the Rockefeller report's recommendation which said in part; "The Policy Review Group urges that a new outdoor Recreation Resources Review Commission be created by act of Congress as was the original ORRRC. Times and circumstances have changes, but the ORRRC model of a bipartisan group in which congressional leaders joined with informed citizens is as sound and appropriate today as it was when President Eisenhower, Senate Majority Leader Lyndon Johnson, and House Speaker Sam Rayburn endorsed the legislation estabishing ORRC in 1958. The creation by act of Congress would emphasize the bipartisan nature of the effort, insure continuity from one administration to another, and build a base for follow-up action. Based on the ORRRC experience, or recommendation is for a congressionally created commission", recommended that legislation be introduced establishing a new Commission.

Legislative History

S. 1090 was introduced on April 19, 1983, and referred to the Senate Committee on Governmental Affairs with sequential referral to the Senate Committee on Energy and Natural Resources for

a period not to exceed 60 calendar days beginning on September 12, 1983. A companion bill, H.R. 2837 was introduced in the House of Representatives on April 26, 1983.

The Senate Committee on Governmental Affairs held a hearing on the bill on June 28. On August 3, 1983, an amended bill was ordered reported to the Senate Committee on Governmental Affairs and referred to the Senate Committee on Energy and Natural Resources. The Subcommittee in Public Lands and Reserved Water held a hearing on S. 1090, as ordered reported by the Committee on Governmental Affairs on September 23, 1983. In an open business session on October 28, 1983 the Senate Committee on Energy and Natural Resources ordered S. 1090 reported with further amendments.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources in an open business session in October 28, 1983, by a unanimous vote of a quorum present recommends that the Senate pass S. 1090 if amended as described herein.

Committee Amendments

The Committee adopted 10 amendments to S. 1090 as ordered reported by the Senate Committee on Governmental Affairs.

The first amendment clarifies the intent that the new National Outdoor Recreation Resources Review Commission is to consider and make recommendations on a wide range of outdoor recreation issues, policies, and programs for the entire Nation including both urban as well as non-urban areas.

The second and fourth amendments conform the qualifications of the Congressionally appointed citizen members to the proposed Commission to the same qualifications that the Presidential appointees have.

The third amendment changes the method of appointment of Senate and citizen members appointed to the Commission. This method assures that the Senate appointing process remains entirely a function of the Senate leadership.

The fifth, sixth, and seventh amendments are technical.

The 8th and 10th amendments clarifies the intent of the measure that the Commission is to make its recommendations on an entire range of recreation policies, options and programs rather than the narrow focus provided in Section 7 of the bill as introduced.

The ninth amendment deletes the reference to "objectives" of the Commission since no objectives are included.

Section-by-Section Analysis

Section 1 of S. 1090 as reported provides for a short title.

Section 2 of S. 1090 as reported states congressional findings that indicated the importance of the 1958–1962 ORRRC, and the changes which lead to the need to review and plan for the availability of quality recreation opportunities for this and future generations.

Section 3 provides definitions of "Commission," "outdoor recreation resources," and "recreation opportunities." The second includes land and water areas located in urban or non-urban areas of the United States, territories and possessions that have the capacity to provide outdoor recreation opportunities irrespective of ownership or location.

Section 4 authorizes and creates the National Outdoor Recreation Resources Review Commission consisting of 21 members. Members are to be "informed about, concerned with, or involved in the management of public or private" outdoor recreation programs, resources, or policies. The President is to designate a Chairman, and a Vice Chairman is to be elected by and from those Members of Congress serving on the Commission.

Provision is made for the filling of vacancies in the same manner as the original appointment. Members are to serve without compensation, although travel expenses are authorized to be reimbursed to private citizen members.

The Commission is to be appointed within 30 days of enactment of the bill, and the members are to convene as soon as practicable after appointment.

Section 5 authorizes the appointment of an Executive Director and staff, and protects the civil service status of any Federal employee assigned or detailed to the Commission.

The Commission is required to be headquartered in the National Capital region.

Each Federal agency dealing with any phase of outdoor recreation is to provide a liaison officer to work with the Commission and staff.

This section also contains the authority for the Commission to solicit and accept donations of money or services from outside public or private entities.

Section 6 establishes an advisory council consisting of an unspecified number of members to be appointed by the Chairman with the recommendation and concurrence of the Commission. Council members are to be knowledgeable of outdoor recreation and are to be representative of major geographical areas and interest groups including, but not limited to, seven specified areas of interest or expertise composed of government, recreation user groups, natural resource and travel and tourism corporations, private recreation and conservation groups, public health and welfare organizations, and research and academic institutions.

Council members are to serve without compensation, but may be reimbursed for expenses incurred in traveling to council meetings called by the Commission Chairman.

Section 7 states the tasks to be performed by the Commission and identifies a number of specific topics to be examined. Overall, the Commission is to examine and evaluate existing and potential outdoor recreation policies, programs and opportunities. This review is to include an assessment of the rules of the various levels of government and the private sector, and may draw upon any Federal studies or data prepared or in process.

The Commission is to determine the expected resources and requirements for quality outdoor recreation opportunities in the year

2000 and beyond. To this end, the Commission is to recommend the policies and programs necessary to meet this challenge.

Specific topics to be studied are:

1. The necessary land and resource base for future outdoor recreation;

2. Roles of Federal, State, county, and municipal governments in providing outdoor recreation resources;

3. The role and capacity of the private sector in meeting needs;

4. The relationships between recreation and health and productivity;

5. Future needs of management systems, personnel, and technical information, and anticipated financial needs and the sources of such resources;

6. The relationship between the broad range of recreational activity and outdoor recreation, especially, and implications on supply and demand;

7. The impact of present and emerging technologies and social trends upon outdoor recreation; and

8. The findings and recommendations of the 1978 Urban Park Study and the 1979 Nationwide Outdoor Recreation Plan and other relevant Federal survey and planning activities.

This section also authorizes and directs the Commission to hold public hearings to gather public opinion and suggestions on recreation issues, policies, and needs.

This section directs the Commission to make its recommendations on an entire range of recreation policies, options and programs.

The requirement for the transmittal of the Commission's report to the President and the Congress within 18 months of appointment of the group is included here, as is the provision terminating the Commission not later than 6 months after the report is submitted.

Section 8 contains several housekeeping provisions relating to contract authority; utilization of Federal personnel, equipment and facilities without reimbursement; and fiscal control and fund accounting.

Section 9 authorizes the appropriation of not more than $1.5 million to carry out the purposes of the Act, to remain available until expended. The authority to enter into contracts or obligate funds is limited to the amount of funding provided in advance of appropriation Acts.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 28, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1090, the National Outdoor Recreation Resources Review Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RUDOLPH G. PENNER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1090.
2. Bill title: National Outdoor Recreation Resources Review Act of 1983.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, October 28, 1983.
4. Bill purpose: This bill establishes a 21-member commission to study and recommend appropriate policies and activities for government and private sector agencies to assure the continued availability of quality outdoor recreational experiences in the United States. The commission is to file its final report to the President and the Congress not later than 18 months after the appointments of its members. The bill authorizes the appropriation of $1.5 million for the activities of the commission, which is also authorized to solicit and accept contributions of money and services from non-federal public and private entities.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization level	1.5				
Estimated outlays	0.6	0.9			

The costs of this bill fall within budget function 800.

Basis of estimate: This estimate assumes that the bill will be enacted and the full amount authorized will be appropriated by early in 1984. Based on this assumption, the final report will be submitted about mid-1985. The estimate of outlays is based on historical spending patterns for similar commissions. This estimate does not include costs of activities that may be required of executive departments and agencies of the federal government, because the extent of their activities has not been determined. However, such costs are not expected to be significant.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.

8. Previous CBO estimate: On August 2, 1983, the Congressional Budget Office prepared a cost estimate for S. 1090, as ordered reported by the Senate Committee on Governmental Affairs. That estimate assumed an earlier enactment date than this estimate does. Therefore, the estimated outlays in each year are slightly different.

9. Estimate prepared by: Mary Ann Curtin.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be increased in carrying out S. 1090 as reported. S. 1090 would establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes. The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personel information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1090 as reported.

Executive Communications

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of Agriculture setting forth Executive Agency recommendations relating to S. 1090 are set forth below:

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 28 1983

Honorable James A. McClure
Chairman, Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 1090, the "National Outdoor Recreation Resources Review Act of 1983," as reported by the Committee on Governmental Affairs.

We recommend enactment of this legislation.

As introduced, S. 1090 would establish a 15-member National Outdoor Recreation Resources Review Commission consisting of 4 Senators, 4 Representatives, and 7 citizen presidential appointees, and an advisory council of no specified number. The Commission would be directed to undertake an examination and evaluation of existing and potential public outdoor recreation land and resource area policies, programs, and opportunities. A report to the President and Congress would be required for submission by the Commission within 18 months of the appointment of Commission members. The Commission would cease to exist not later than 6 months after submission of the report. The bill would authorize not to exceed $1.5 million to carry out its purposes.

As reported on August 3, 1983, by the Committee on Governmental Affairs, the bill is modified in two significant respects: the membership of the Commission would be increased by 3 citizens appointed by the President of the Senate and 3 citizens appointed by the Speaker of the House; and language added in section 7 would direct the Commission to consider findings and recommendations of the National Urban Recreation Study (1978) and the Third Nationwide Outdoor Recreation Plan (1979). We have no objection to either provision.

S. 1090 is similar to the Outdoor Recreation Resources Review Act, approved June 18, 1958 (72 Stat. 238), which created the Outdoor Recreation Resources Review Commission, commonly referred to as "ORRRC". The ORRRC report and recommendations did, as stated in S. 1090, "contribute significantly to the protection of our land and water resources and the expansion of recreation opportunities," and, in fact, have guided public policy since 1962. Among its recommendations were creation of the Land and Water Conservation Fund and establishment of the systems to preserve wild and scenic rivers, national trails, and wilderness areas. The phenomenal increase in Americans' interest in outdoor recreation, the associated growth of private recreation and leisure businesses to a nearly $250 billion-a-year industry, the evolution and expansion of governmental programs and roles, and the many other changes in our economy and our society in the last two decades make a review of public policy both timely and necessary.

The Department of the Interior has reviewed and brought change to Federal policies on outdoor recreation during the past several years in recognition of the changed circumstances we face in the 1980's. The Secretary of the Interior personally discussed the need for an assessment of national outdoor recreation policy with public and private organizations and individuals beginning in the fall of 1981. In the spring of last year, the Secretary and Laurance Rockefeller, who served as Chairman of ORRRC, exchanged ideas about a review of ORRRC's work. The Secretary encouraged Mr. Rockefeller to bring his knowledge, long experience and skillful leadership to bear in the search for innovative solutions and new directions for meeting America's outdoor recreation needs for the next two decades. As a result of those discussions, Mr. Rockefeller sponsored the formation of the Outdoor Recreation Policy Review Group. The Department of the Interior supported the group's efforts and we look forward to continuing public discussion of America's changing outdoor recreation needs. We therefore support the enactment of S. 1090 and the creation of a National Outdoor Recreation Resources Review Commission and an Advisory Council.

Based upon our experience with the work of ORRRC and various other Federal commissions and advisory councils, we offer the following general observations on S. 1090 for your consideration:

1. An effective commission must have a well-defined purpose and specific charge in order to produce useful recommendations. If the charge is overly broad or too general, then the commission can spend a great deal of its time and effort defining its focus. The quality and usefulness of its report and recommendations could suffer as a result. We believe S. 1090 defines a manageable scope of work as written.

2. An effective commission must be small enough to allow all of its members to be heard as active participants and to function efficiently. Larger groups require more formal organization and procedure. This can hamper communication and efficiency. We have also found a greater tendency toward narrow advocacy among the members of larger commissions, while the smaller groups tend to emphasize cooperation, compromise and consensus. Therefore, we believe that smaller groups are more productive. The size of the Commission proposed in S. 1090, as introduced, is quite appropriate, and the successful experience of the 15-member ORRRC is evidence of that fact. We would not recommend expanding the Commission beyond the 21 members now in the bill as reported by the Committee on Governmental Affairs.

3. An effective commission must have a specific deadline and a relatively short period to complete its work. The members of Federal commissions are accomplished citizens who have other demands on their time and deserve the predictability of a specific, reasonable timeframe in return for their service. We have also found that a shorter period lends a sense of immediacy to the commission's work and helps its efficiency. We believe the deadline of 18 months specified in S. 1090 is adequate for the Commission to complete its work and is responsive to our concerns.

With regard to specific provisions of S. 1090, we offer the following comments:

1. Section 4(b)(3) of S. 1090 would provide that the 7 citizen presidential appointees be appointed from recommendations made to the President, whereas he was free to appoint members on his own under the 1958 Act. We recommend that S. 1090 be amended to delete the requirements for recommendations.

2. Section 5(a) of S. 1090 would authorize the commission to appoint and fix the compensation of staff "without regard to the civil service laws and regulations." Identical language in section 4(a) of the 1958 Act was deemed by the (then) Civil Service Commission to be inadequate to waive the provisions of the Classification Act of 1949 governing compensation, and an amendment specifically referring to the 1949 Act was enacted and approved March 25, 1959 (73 Stat. 14). We defer to the Office of Personnel Management as to whether a specific waiver of the 1949 Act is necessary.

3. Section 5(d) of S. 1090 would authorize the Commission to solicit and accept contributions of money and service to assist its work. No such provision was contained in the 1958 Act. We strongly support this provision, since the private recreation and leisure industry is now estimated to contribute nearly $250 billion to the nation's economy. We believe the private sector can and should be expected to support the work of a national commission of this nature.

4. S. 1090 would establish an advisdry council, as the 1958 Act did. They differ, however, in the number of members, method of appointment, and functions. The 1958 Act established an advisory council consisting of Federal liaison officers plus 25 members appointed by the Commission. The function of the Council was to advise the Commission on ways, means, and procedures whereby maximum cooperation could be obtained from agencies and groups. Section 6 of S. 1090 would establish an advisory council of no determined number; its members are appointed by the Chairman of the Commission "upon the recommendation and concurrence of the Commission" and its function is not defined. We recommend that the Congress consider limiting the number of advisory council members and adding language to give the council a clear purpose.

5. Section 9 of S. 1090 would authorize appropriations of $1.5 million. To our knowledge, no Federal agency has anticipated the enactment of this legislation and included funding requests for fiscal year 1984. While some funds and personnel may be redirected from other authorized and funded agency programs to Commission functions, and contributions authorized in section 5(d) would be forthcoming, we would suggest that the $1.5 million authorization be retained in the bill in the event that appropriated funds are necessary. We do not believe that the full authorization of $1.5 million would be required in any event and will address the specific amount required at a later date through the appropriations process.

In summary, we realize that the United States has changed over the last 20 years. We have begun the process of change in Federal policies to provide outdoor recreation opportunities in the years and decades ahead. We look forward to continuing discussion of additional changes in public policy and to real progress to assure outdoor recreation resource sufficiency in America's 21st century. We will cooperate fully with the Congress in such discussions, and with the proposed Commission in its work.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. Craig Potter

ACTING ASSISTANT SECRETARY

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

November 4 1983

Honorable James A. McClure
Chairman, Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

As you requested, here is our report on S. 1090, a bill "To establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes."

The Department of Agriculture recommends S. 1090 be enacted if amended.

S. 1090 would establish a 21-member National Outdoor Recreation Resources Review Commission and an advisory council of no specified number. The Commission would be directed to undertake an examination and evaluation of existing and potential public outdoor recreation land and resource area policies, programs, and opportunities. A report to the President and Congress would be required to be submitted by the Commission within 18 months of the appointment of Commission members. The Commission would cease to exist not later than 6 months after submission of the report. The bill would authorize not to exceed $1.5 million to carry out its purposes.

This bill is similar to the Outdoor Recreation Resources Review Act, approved June 28, 1958 (72 Stat. 238), which created the Outdoor Recreation Resources Review Commission, commonly referred to as "ORRRC." The ORRRC report and recommendations did contribute significantly to the protection of our land and water resources and the expansion of recreation opportunities. Among its recommendations were creation of the land and water conservation fund and establishment of the systems to preserve wild and scenic rivers, national trails, and wilderness areas. The phenomenal increase in Americans' interest in outdoor recreation, the associated growth of private recreation and leisure businesses to a nearly $250 billion-a-year industry, the evolution and expansion of governmental programs and roles, and the many other changes in our economy and our society in the last two decades make a review of public policy both timely and necessary.

It is important to point out that an effective Commission must have a well-defined purpose and specific charge in order to produce useful recommendations. If the charge is overly broad or too general, then the Commission may spend a great deal of its time and effort defining its focus and the quality and usefulness of its report and recommendations may suffer as a result. As provided by the bill, the work of this Commission should focus on the opportunities for outdoor recreation, whether urban or rural.

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Sec. 5. (c) appears to require the appointment of a liaison officer for each Federal department and agency to work with the Commission. We suggest that specific Federal departments or agencies be named in this section so as to eliminate any confusion as to who should be involved. From the Department of Agriculture, the Forest Service and Soil Conservation Service would want to work closely with the Commission and its staff.

In Sec. 7. (d), which establishes when the Commission's report must be transmitted to Congress, we suggest changing "eighteen months after the appointment of the Commission members" to "eighteen months after the appointment of the Commission members and executive director and staff." It will be difficult for the Commission to make progress until its staff is in operation.

If S. 1090 were enacted as recommended, we estimate the cost of the study to USDA would be somewhere between $180,000 to $300,000. This is based on a 2-year project duration.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Richard E. Lyng

Richard E. Lyng
Acting Secretary

ADDITIONAL VIEWS OF SENATOR JOHNSTON

I strongly support S. 1090 as reported from the Committee on Energy and Natural Resources. I also support the provision in S. 1090 (Sec. 5(d)) authorizing the Commission to "solicit and accept contributions of money and service from non-Federal public and private entities to assist its work."

However, I want to make it clear that this provision should be implemented in such a manner so as to avoid any appearance of bias of favoritism on the part of the Commission. Simply put, one segment of the recreation industry must not be perceived as somehow influencing the work of the Commission through a large contribution of funds or services. While there is certainly a role for private sector financial involvement, this involvement must not be viewed as an effect to in any way influence the results of the Commission's work or its findings.

Public confidence in the Commission's work and its recommendations must remain high if this effort is to be helpful to the Congress and the President. That confidence cannot be maintained unless the Commission avoids any appearance of impropriety in this regard.

J. BENNETT JOHNSTON.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 1090, as reported.

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Calendar No. 563

98TH CONGRESS
1st Session

SENATE

REPORT
No. 98–310

REPEALING SECTION 3 OF PUBLIC LAW 96–344

NOVEMBER 14, 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1775]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1775) to repeal the designation of the Georgia O'Keeffe National Historic Site, having considered the same, reports favorably thereon with an amendment to, the title, and recommends that the bill (as amended) do pass.

The amendment is as follows:

Amend the title so as to read:

To repeal Section 3 of Public Law 96–344.

PURPOSE

The purpose of S. 1775, as ordered reported, is to repeal section 3 of Public Law 96–344 (94 Stat. 1133) which authorizes the Secretary of the Interior to acquire certain lands in New Mexico for the purpose of establishing the Georgia O'Keeffe National Historic Site.

BACKGROUND AND NEED

Section 3 of Public Law 96–344 authorizes the Secretary of the Interior to acquire the home and studio of artist Georgia O'Keeffe in Abiquiu, N. Mex., and up to 1 acre of detached land for administrative facilities. After acquisition, the Secretary of the Interior is required to establish the Georgia O'Keeffe National Historic Site.

The National Park Service has not acquired any of the subject property. Mrs. O'Keeffe has now expressed a firm desire that her home not become a unit of the national park system. The administration has no objections to the repeal.

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Legislative History

S. 1775 was introduced on August 4, 1983. A hearing before the Subcommittee on Public Lands and Reserved Water was held on S. 1775 on October 6, 1983. The administration does not object to S. 1775. In open business session on November 9, 1983, the Committee on Energy and Natural Resources ordered S. 1775 favorably reported with an amendment to the title.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources in an open business session on November 9, 1983, by a unanimous vote of a quorum present recommends the Senate pass S. 1775 if amended as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz	
Mr. Evans [1]	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga [1]	
Mr. Melcher [1]	
Mr. Tsongas	
Mr. Bradley	

[1] Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., November 10, 1983.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1775, as ordered reported by the Senate Committee on Energy and Natural Resources, November 9, 1983. We estimate that enactment of this bill would result in no additional cost to the federal government and may result in future savings.

The bill repeals the designation of the Georgia O'Keefe National Historic Site. The original legislation authorized the appropriation of up to $40,000 for acquisition and $100,000 for development of the site. These funds have not been appropriated, and the authorization is repealed by this bill.

S. 1775 would not result in any additional costs to state and local governments.

Sincerely,

RUDOLPH G. PENNER.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1775 as reported. S. 1775 would repeal section 3 of Public Law 96–344 which authorizes the establishment of the Georgia O'Keeffe National Historic Site.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1775.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1775 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 28, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1775. "To repeal the designation of the Georgia O'Keeffe National Historical Site."

We have no objection to the enactment of this legislation.

S. 1775 would repeal section 3 of a 1980 Act authorizing the Secretary of the Interior to acquire the home and studio of Georgia O'Keeffe and up to one acre of detached land for administrative facilities. When sufficient lands have been acquired, the Act further authorizes the Secretary to establish the properties as the Georgia O'Keeffe National Historic Site.

We understand that Ms. O'Keeffe has expressed the desire that her home not become a unit of the National Park System. We respect her wishes in this regard, and we have no objection to this repeal. None of the lands authorized have been acquired.

The Office of Management and Budget has advised that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

J. CRAIG POTTER,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1775, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 96-344—Sept. 8, 1980

PUBLIC LAW 96-344, 96TH CONGRESS

AN ACT To improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), the Secretary of the Interior may provide financial assistance for the maintenance and protection of the Folger Library and the Corcoran Gallery of Art.

(b) Authority to enter into contracts or cooperative agreements, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

SEC. 2. Section 2 of the Joint Resolution entitled, "To provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes", approved October 4, 1961 (75 Stat. 780, 781), as amended, is further amended by adding the following after the final period in subsection (c): "The Secretary is authorized to cooperate with the Accokeek Foundation in the operation and maintenance of the National Colonial Farm, and funds appropriated to the Secretary for operation and maintenance of the farm may be made available to the Foundation for such purposes, subject to such terms and conditions as the Secretary may prescribe in furtherance of the purpose of this Act.".

[SEC. 3. (a) In order to preserve for the benefit and enjoyment of present and future generations significant properties associated with the life and fultural achievements of Georgia O'Keeffe, the Secretary may acquire—

(1) by donation, the site and structures comprising the home and studio situated in Abiquiu, New Mexico, and

(2) by purchase, donation, or exchange not to exceed one acre of detached land for off-site support facilities which the Secretary of the Interior deems necessary for the purposes of this section.

The Secretary may also accept the donation of furnishings and other personal property in connection with the site.

(b) When the site, structures, and other properties authorized for acquisition under subsection (a) have been transferred to the United States, the Secretary shall establish the Georgia O'Keeffe National Historic Site by publication of notice to that effect in the Federal Register. The national historic site established pursuant to this section shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, not to exceed $40,000 for acquisition and $100,000 for development.

(d) Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the historic site, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 et seq.).]

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